

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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29. Nov. 2004

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/000349

International filing date (day/month/year)
11.02.2004

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
H04Q7/38, H04L12/56

Applicant
NOKIA CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2004/000349

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

10/587969

IAP11 Rec'd PCT/PTO 03 AUG 2006

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/IB2004/000349

Box No. II Priority

1. ☒ The following document has not been furnished:☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-25
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations

see separate sheet

1. Reference is made to the following document:

D1: WO 02/05453 A (SEROK AMIR ; ZIMMERMAN OFER (IL); ENSEMBLE COMMUNICATIONS INC (US); BO) 17 January 2002 (2002-01-17)

2. Document D1 discloses a scheduling device for scheduling data transmission over a plurality of channels in a data network (cf. page 5, lines 23-26) comprising monitoring means for monitoring a predetermined parameter and scheduling means for determining a request for change of the maximum channel capacity allocated to said channel (cf. page 7, lines 21-26; page 23, lines 10-24). The subject-matter of claim 1 differs from D1 in that the parameter that encodes the request for additional bandwidth is an special value of a channel capacity indicator. The problem solved by this feature is indicating a request for capacity within the channel itself. The feature that the parameter is encoded as an special value of the capacity indicator is just a design option that is available to the person skilled in the art without requiring inventive skills. Document D1 shows that the request is put in bandwidth that is not previously used. The special value of the channel capacity indicator that is used in claim 1 is such an unused bandwidth, since its meaning is defined as a request for bandwidth and not a normal capacity indicator. Therefore the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

The same reasoning applies to claims 11 and 18.

3. The use of a transport format combination to indicate the capacity of the channel is a normal feature of known communication systems. Therefore the subject-matter of claims 4, 16 and 21 does not involve an inventive step in the sense of Article 33(3) PCT.
4. The additional features of claims 2, 3, 5-10, 12, 17, 19, 20, 22-25 are well known features of communication systems. Therefore the subject-matter of these claims does not involve an inventive step in the sense of Article 33(3) PCT.
5. It is well known in communication systems that requests for resources have to be limited in time, but that they can be repeated. Therefore the subject-matter of claims 13 and 14 does not involve an inventive step in the sense of Article 33(3) PCT.